

REMARKS

[0001] Applicant's attorney respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-10 and 25-35 are presently pending. Claims 25, 26, 31, 32, and 35 are amended herein.

Formal Request for an Interview

[0002] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0003] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Allowable Subject Matter

[0004] Applicant's attorney would like to thank the Examiner for allowing claims 1-10 and 27-28. These claims have not been amended and, therefore, remain allowable. Further, Applicant's attorney would like to thank the Examiner for indicating allowability for claims 26, 32, and 33. These claims have been amended to be in independent form and, therefore, are now allowable.

Substantive Matters

Claim Rejections under § 102

[0005] The Examiner rejects claims 25, 29-31 and 34-35 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0006] Accordingly, Applicant's attorney respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

[0007] The Examiner's rejections are based upon the following reference:

- **US Patent No. 5,834,987 to Dent:** "*Dent*" hereinafter, (issued November 10, 1998).

Anticipation Rejections

[0008] Applicant's attorney submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon *Dent*

[0009] The Examiner rejects claims 25, 29-31 and 34-35 under 35 U.S.C. § 102(b) as being anticipated by *Dent*. Applicant's attorney respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant's attorney asks the Examiner to withdraw the rejection of these claims.

Independent Claim 25

[0010] Applicant's attorney submits that *Dent* does not anticipate this claim because it does not disclose all of the elements as recited in this claim. In specific, claim 25 has been amended to recite a control circuit coupled to the phase-frequency detector and operable to generate a digital conditioning signal based on a modulation value and the feedback signal. That is, the conditioning signal that is eventually summed with the detected phase error signal is a digital

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

signal. A digital-to-analog converter is used to transducer the signal into an analog signal for summation. Such a digital conditioning signal is produced by the nature of the control block in FIG. 1a.

[0011] In contrast, *Dent* does not teach that any signal used for conditioning or otherwise is digital. All of the elements shown and described in FIG. 3 of *Dent* are analog components and therefore, there is no need for any DAC in the system of *Dent*. The Examiner tacitly acknowledges this difference in the allowance of claims 26 and 32. Therefore, by proxy, claim 25 is also allowable with such a similar digital signal.

[0012] Consequently, *Dent* does not disclose all of the elements and features of this claim. Accordingly, Applicant's attorney asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 29-30

[0013] These claims ultimately depend upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 31

[0014] Applicant's attorney submits that *Dent* does not anticipate this claim because it does not disclose all of the elements as recited in this claim. In

specific, claim 31 recites a digital conditioning signal. As discussed above, Dent does not teach any digital signals and therefore claim 31 is allowable over the prior art of record.

[0015] Consequently, *Dent* does not disclose all of the elements and features of this claim. Accordingly, Applicant's attorney asks the Examiner to withdraw the rejection of this claim.

Dependent Claim 34

[0016] This claim ultimately depends upon independent claim 31. As discussed above, claim 31 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

Independent Claim 35

[0017] Applicant's attorney submits that claim 35 is allowable for at least similar reasons as discussed above with respect to claims 25 and 31. Consequently, *Dent* does not disclose all of the elements and features of this claim. Accordingly, Applicant's attorney asks the Examiner to withdraw the rejection of this claim.

Conclusion

[0018] All pending claims are in condition for allowance. Applicant's attorney respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.**

Please call or email me at your convenience.

[0019] Any additional fees required as a result of this amendment have been paid from the below-referenced deposit account as filed herewith. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully Submitted,

Graybeal, Jackson, LLP
Representatives for Applicant

/Kevin D. Jablonski/
Kevin D. Jablonski (kevin@graybeal.com)
Registration No. 50,401
USPTO Customer No.: 00996

Dated: January 14, 2010

Telephone: (425) 455-5575
Facsimile: (425) 455-1046